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United States Patent and Trademark Office
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13 Forest Drive
Warren, NJ 07059

In re Application of HERRMANN et al
U.S. Application No.: 09/830,518
Int. Application No.: PCT/EP00/08126
Int. Filing Date: 21 August 2000
Priority Date: 26 August 1999
Attorney Docket No.: NNG201
For: POLYCYCLIC PYRIMIDINE...

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DECISION

This is in response to the "Renewed Petition" filed 28 January 2002.

BACKGROUND

On 21 August 2000, applicants filed international application PCT/EP00/08126, which claimed priority of an earlier Germany application filed 26 August 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 01 March 2001. The twenty-month period for paying the basic national fee in the United States expired at midnight on 26 April 2001.

On 27 April 2001, applicants filed national stage papers in the United States Designated Elected Office (DO/EO/US). The submission included, *inter alia*, a Transmittal Letter and the basic national fee.

On 14 November 2001, this Office mailed a decision which indicated that the present application is abandoned as to the United States of America for failure to timely file the basic national fee required by 35 U.S.C. 371.

On 26 November 2001, the DO/EO/US mailed a Notice of Abandonment which stated that the present application is abandoned for failure to timely respond to a decision on petition mailed 31 May 2001.

On 28 January 2002, applicants filed the present petition.

DISCUSSION


The 26 November 2001 Notice of Abandonment was mailed in error.

CONCLUSION

The Notice of Abandonment mailed 26 November 2001 is hereby VACATED.

The present application remains ABANDONED for failure to timely file the basic national fee under 35 U.S.C. 371 as set forth in the decision mailed 14 November 2001.¹

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.


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¹ It is noted that the Transmittal Letter filed 27 April 2001 contains an "Express Mail Certification" which states that the attached correspondence was deposited in Express Mail on 26 April 2001. Under 37 CFR 1.8(a)(2)(F), the benefit of a certificate of mailing does not apply to the filing of the basic national fee necessary to enter the national stage. However, applicant may wish to file a petition under 37 CFR 1.10(c).